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December 17, 2010

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, N.W.
Washington, DC 20554

Re: National Translator Association
Comments in MB Docket No. 03-185

Dear Ms. Dortch:

Transmitted herewith, on behalf of the National Translator Association ("NTA"), are its Comments in MB Docket No. 03-185. NTA is dedicated to the provision of free over-the-air television and audio service to all areas that do not receive adequate coverage from a full complement of primary broadcast stations. Its membership includes, but is not limited to, owners and operators of TV translator and LPTV stations that rebroadcast the signals of full-service television stations.

Should any question arise concerning this matter, please communicate directly with the undersigned.

Respectfully submitted,

BORSARI & PAXSON

/s/ George R. Borsari, Jr.

George R. Borsari, Jr.
General Counsel
National Translator Association



NATIONAL TRANSLATOR ASSOCIATION

OUR AIM - TO PROVIDE FM AND TV SIGNALS IN EVERY HOME
Office of the President, 2355 Ranch Drive, Westminster, CO 80234 303-465-5742 stdl@comcast.net

RESPONSE OF THE NATIONAL TRANSLATOR ASSOCIATION TO THE FURTHER NOTICE OF PROPOSED RULEMAKING IN MB DOCKET NO. 03-185

ANALOG SHUT OFF DATE

NTA supports the establishment of a firm date for the completion of the DTV transition for TV Translators and LPTV Stations. Congress and the Commission implemented the transition as a high-order national priority because of the recognized benefits that digital transmission can provide in quality, flexibility, and new service offerings to the public. These benefits should be delivered to LPTV audiences and to rural areas dependent on TV translators at an early date. We submit, however, that the Notice fails to make the case for its selected date – on or about June 12, 2012, and that such a timetable would be too abrupt. Instead we advocate the adoption of a date three years after the adoption of the report and order in this proceeding.

As with the full serve TV transition, any firm cut-off date should serve as a guide to all, but should not arrive so quickly as to create a mad dash at the end by a host of out-of-compliance licensees. The date should be a target for the last facilities to comply, with the vast majority having done so previously. The mid-2012 date is merely a proposal at this point, and if adopted, it would not be formally in effect until the report and order herein, in summer of 2011 at the earliest. Finalizing a date only one year ahead of the mandated switch-over could be disruptive, if not chaotic. For these reasons, NTA suggests that a three-year interval be announced, equal to the period allowed for construction in every TV construction permit, and that it not be imposed until the date of the report and order herein. The Notice is rightly concerned with public education to make a smooth transition so far as possible. If our deadline approach is adopted, NTA pledges its own effort in that educational program, to assure that rural systems pursue a steady march to a completed transition, and do not fall into the error of thinking that everyone has a reprieve until

Dedicated to the improvement of over the air broadcast service to all United States residents through the maximum utilization of TV and FM translators.

the last minute. The Notice suggests that licensees would have three years from the June 12, 2009, full service digital switchover. But this measurement of time is illusory, absent actual notice. Until publication of the Notice herein in September of this year, licensees did not have notice that such a date was under review, so their notice – whether actual, express, implied or constructive – of the deadline would be, at best, some twenty months. But meanwhile the Notice is merely a proposal. Its adoption in the same form would result in formal, actual notice of one year, or even less. Many rural translator systems are supported by state and county government, by public TV and other educational organizations, and by local non-profits. All of these entities are under serious financial strain right now and none of them, in the best of times, can raise capital funds quickly. The Notice mentions that the Commerce Department administers a fund with \$65 million to aid in rural television DTV transition. This amply underscores our point. Because the fund is reimbursement-only, by statute, the rural licensees have had great difficulty in finding the money in advance. There has been an up tick in awards very recently, but of the \$44 million set aside for the upgrade program, after 18 months of grants, \$33.892 million remains unspent.¹

The Notice, Para. 15, states that with a 2012 date “most stations” would have a five-year construction period or more, tracing that forward from digital construction permits issued during 2006 and 2007. We submit that this is losing sight of the point of a final transition date. NTA trusts and hopes that a solid majority of LPTV's and TV translators will have made their transition in the next year or two. Our membership and public education for several years has centered on one message: Don't wait. But a transition date should be selected based on the recognition that it is a final deadline, not for the many, but for the last ones. As the Notice acknowledges, full service DTV allocations were made in 1998, and the majority of stations were mandated to complete construction in 2002 and 2003. Still it was not until 2008, some ten years later, that a final date was imposed. That date, in turn, was extended until June 12, 2009. If anything, the analogy to full service TV suggests that NTA's own suggested deadline may be on the hasty side.

The Notice also sought requested comment on mechanisms that might be employed to grant additional time, past whatever deadline is formally imposed, for isolated rural communities to bring themselves into compliance. At this time we believe it is desirable for the Commission to

¹ <http://www.ntia.doc.gov/lptv/index.html>, last updated December 6, 2010. The Notice herein seeks detailed information on the equipment and other costs of the DTV transition for rural operators. NTIA has prepared a nominal equipment price list, available at: http://www.ntia.doc.gov/lptv/Eligible_Equipment_for_LPTV_Upgrade_Program.htm This is a capital cost only and does not include installation costs, transportation, other services, or indirect costs.

announce a liberal final deadline, and to present it as a firm date. We have suggested a deadline that we believe is feasible. However, past experience indicates that there will eventually be a few rural translator licenses that will fail to meet whatever sunset date is established. We request that the Media Bureau specifically be given authority to waive a sunset date in circumstances where translators would be shut down and no replacement service would be available to the public. We believe there is no adverse impact on any organization or type of spectrum user if the Media Bureau has authority to exercise its judgment to grant a waiver and avoid a complete loss of service.

RETURN OF COMPANION DIGITAL CHANNELS

LPTV Stations and TV Translators having dual authorizations could present a valid exception to this approach. Where a station has acquired a second, companion channel, this has been done to facilitate the DTV transition. Once the second channel is constructed and licensed, there may be good reason to simulcast for a time to educate the public. But that time should be brief. We suggest that in those situations, with dual stations on the air, analog operations should be mandated to sunset within 18 months of the report and order herein, i.e. in half the time permitted for the last facilities to effect a DTV transition. Where application for license of a second channel are filed after the report and order, the license term should be no greater than 18 months.

OUT OF CORE TRANSITION DATE

The NTA believes that imposing a separate deadline for vacating channels 52 to 69 is presenting an onerous solution to a problem which for the most part does not exist. The present plan of requiring out of core translators to vacate on notice from a new user has been working satisfactorily. We recommend no deadline be established.

It should be noted that in some areas where there are multiple translator systems owned by different licensees it is proving difficult to find displacement channels even today. One source of displacement channels will be the release of the second channel when main plus companion channel licenses or permittees are back to holding only one channel. In any event there should be no arbitrary early sunset requirement that would preclude use of the released companion channels.

COMMISSION'S CALL CENTER

The NTA believes, that between its own outreach and the availability of regular Commission staff, all questions regarding the transition by TV translators can be answered without a special call center.

REPLY ENGINEERING PORTION OF NPRM MB DOC 03-185 ANTENNA VERTICAL RADIATION PATTERN

The NTA commends the Commission for proposing use of actual vertical radiation patterns in analyzing proposed facilities in the low power television services and supports amending Section 74.793(d) for this purpose. Use of antenna manufacturers' vertical relative field strengths will enable more realistic determinations of the service areas and interference potential of proposed TV Translator, Low Power TV, and Class A TV facilities. This enhancement to Commission's prediction methodology will particularly improve the accuracy of analysis involving collocated or nearby stations operating on first adjacent channels. It will also enable for the first time the use of electrical and mechanical beam tilting in engineering proposed facilities, thereby enhancing efficient spectrum utilization. Use of all available station engineering tools would be of paramount importance if additional TV broadcast spectrum were reallocated for other uses.

The NTA agrees that FCC Forms 346 and 301-CA should be modified to include a tabulation for the entry of vertical relative field strength values and it recommends that values be entered at 0.5 degree intervals below the horizontal plane over the range of vertical angles from -2.0° (up) to $+10^{\circ}$ (down). The tabulation should also provide an opportunity to specify special relative field strengths at other elevations such as maximum and minimum points. The NTA recommends that vertical relative field strengths be specified to a precision of three decimal places; for example, 0.527. The revised application forms should include data elements for an additional amount of nonstandard antenna electrical and/or mechanical beam tilt and the horizontal azimuth of mechanical tilt.

As is the case with entry of horizontal radiation data, two methods should be available

for entry of vertical relative field strengths when nonstandard values are employed; for example, additional amounts of electrical beam tilt. In such cases, applicants should be permitted to enter the standard values provided by antenna manufacturers and the additional amounts of electrical and/or mechanical tilt. Alternatively, applicants should be permitted to enter values that account for the additional amount of nonstandard beam tilt – the manner in which “composite” horizontal radiation patterns are now entered. In the former case, the Commission’s prediction methodology would calculate the actual relative field strengths.

The NTA recommends that applicants not be required to submit vertical pattern data, but have the option to do so. If vertical relative field strengths are not specified, the assumed values in Section 74.793(d) should continue to apply. Permitting this flexibility would simplify application preparation for entities not needing to rely on the benefits of vertical pattern data; for example, small isolated communities in mountainous regions.

Submitted vertical patterns should be used in determinations of mutually exclusive applications. Upon grant of an application with vertical pattern data, the relative field strength and beam tilt data should be stored with the station’s database records and used in subsequent analysis that protects the station against interference. To facilitate more accurate analyses, station licensees and permittees should be permitted to submit actual antenna vertical patterns as supplied by OEM for the record through minor change applications even no change in facilities is requested. The NTA agrees with the Commission that use of actual vertical patterns for both the proposed and existing stations would enable the most accurate determination of interference and the provision of the greatest service to the public. .

USE OF FULL-POWER EMISSION MASK

The NTA recommends that applicants for digital TV translator, low power TV and Class A TV stations be permitted to specify use of the full-power DTV emission mask. In that event, the Commission’s prediction methodology should be modified to use the applicable full-power station DTV-into-DTV desired-to-undesired (D/U) signal strength ratios of Section 73.623 (c) of the Commission’s Rules in determinations of first adjacent

channel interference.

As available spectrum is becoming more scarce, it is becoming increasingly difficult for translator and low power station applicants to “flash cut” to digital, and especially to secure companion digital channels without creating out going interference. Already instances have been encountered where conversion to digital operation requires a reduction of ERP or horizontal coverage in order to find a useable channel and this problem will only become more pervasive. It is likely that in many cases stations will have no choice but to use a channel that is adjacent to a channel used at the same or a nearby antenna site. Use of the more permissive D/U ratios associated with the full-power emission mask should enable applicants to secure channels otherwise not available with use of the existing masks for the low power service, albeit at the greater expense of the full-power mask. In addition, the need for closer adjacent channel station spacing can be expected to increase substantially if additional TV broadcast spectrum is reallocated for use by other services.

INCREASE EFFECTIVE RADIATED POWER FOR DIGITAL STATIONS IN THE LOW POWER AND CLASS A TV SERVICES

The Commission seeks comment on whether the current digital effective radiated power (ERP) levels are appropriate for providing a reliable and good quality service to consumers. In its comments in the 2004 LPTV digital proceeding, the NTA concurred with the VHF digital ERP limit of 300 watts now in the Commission’s Rules, stating:

“Presumably a large number of companion digital LPTV and TV translator stations will be looking for interference free spectrum. Accordingly, it is prudent to stay with what seems to be closely equivalent power limits [for presumed comparable analog and digital signal coverage]. After the need for companion digital stations is satisfied and experience is gained with the maximum digital power limits at one tenth the analog values, it will be time to consider higher limits.”

The NTA submits that time has now come. The Commission recently adopted a Notice of Proposed Rulemaking that, among other things, proposes significant increases in the digital station ERP limits for full-power stations operating in Zone I of the country - largely in the eastern regions, where power levels are lower due to more station congestion than in Zones II & III of the country. *Notice of Proposed Rulemaking* in ET-Docket No. 10-235, released November 30, 2010. The Notice indicates that consumers are experiencing reception difficulties with digital DTV stations operating on VHF channels 2-13. It is well known that VHF reception is often adversely affected by noise generated by electrical motors and a host of other consumer devices as well as the second harmonics and intermodulation products of FM stations in the case of high band VHF. VHF signal propagation can also suffer from atmospheric phenomena. As suggested by the Notice, it is becoming evident that the approximate 10 dB equivalency between VHF analog and digital power levels has not proven adequate, particularly for reception with indoor antennas.

Viewers of digital translator and low power stations are also experiencing the adverse effects of receiving VHF signals. The current VHF ERP limit of 300 watts is a mere 0.7% of the low band full-power ERP limit for stations in Zones II and III (channels 2-6) and 0.2% of the high band ERP limit in those regions; Zones II and III are the areas containing most TV translator stations.

TV translator and LPTV stations have had considerable time to secure companion digital channels, and many have done so. For the above reasons, the NTA submits that the time has come to consider a higher ERP limit for VHF digital translator, low power TV and Class A TV stations. The NTA recommends that increasing the limit to 3 kW would help overcome existing reception problems and make the VHF bands more useable for low power service, particularly if additional UHF channels were to be reallocated to other services. The NTA believes this power increase would facilitate the valuable digital service provided by TV translator and low power TV stations.

Any VHF translator proposing higher power would have to pass the OET Bulletin 69 interference analysis. No increase in outgoing interference is to be expected from raising the maximum ERP limit.

CONCLUSION

Adoption of the changes proposed above will enhance the service which TV Translators can provide and are therefore in the public interest.

Respectfully submitted,

National Translator Association

Byron St. Clair, President

Keith Larson, Board Member

Michael Couzens, Board Member

December 15, 2010